

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

MICHAEL VEGA

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§

Case No. 4:09cr50  
(Judge Crone)

## **REPORT AND RECOMMENDATION** **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 24, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by James Peacock.

On October 20, 2009, Defendant was sentenced by the Honorable Marcia A. Crone to thirty-seven (37) months' custody followed by three (3) years of supervised release for the offense of Possession of a Firearm by a User of a Controlled Substance. On February 20, 2012, Defendant completed his period of imprisonment and began service of his supervised term.

On October 31, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory and standard conditions. Violation allegations three, four, five, and six were dismissed by the Government. The petition also alleged violation of the following conditions: (1) the defendant shall refrain from any unlawful use of a controlled substance; and (2) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts with regard to the remaining violations: On August 14, 2012, Defendant submitted a urine specimen which tested positive for cocaine. Defendant admitted in writing to using cocaine on or about August 14, 2012.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations.

### **RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, El Reno Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 25th day of January, 2013.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE